



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)	
)	
Carbon Injection Systems LLC,)	Docket No. RCRA-05-2011-0009
Scott Forster,)	
and Eric Lofquist,)	
)	
Respondents.)	

**ORDER ON COMPLAINANT’S SECOND MOTION
FOR LEAVE TO AMEND COMPLAINT**

On June 8, 2012, Complainant filed a Second Motion for Leave to Amend Complaint (“Motion” or “Mot.”) in which Complainant seeks leave to reduce the proposed penalty. Mot. at 1. Specifically, Complainant seeks leave to change the penalty amount in paragraph 97 from “\$1,791,810” to “\$1,579,173” and, correspondingly, to decrease the “Beyond BEN” economic benefit figure in Count 1 by \$212,637. Mot. at 2. Complainant argues that Respondents will not be prejudiced by these changes and that the Motion is not the product of undue delay, bad faith, or dilatory motive, citing the undersigned’s Order on Motions for Accelerated Decision as the basis for these proposed changes. *Id.* at 2. Importantly, Complainant states that the Motion is unopposed. *Id.* at 1. For good cause shown, the Motion is **GRANTED**.

The proposed Second Amended Complaint has been signed by Complainant and will be deemed filed as of June 8, 2012. Respondents may, but are not required to, file a second amended answer within 20 days. 40 C.F.R. § 22.14(c). Should Respondents not file another amended answer, the current Amended Answer will be read to respond to the Second Amended Complaint.

SO ORDERED.

Susan L. Biro
Chief Administrative Law Judge

Dated: June 11, 2012
Washington, D.C.